

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No. SACV09-00927 - JVS (MLGx) Date January 4, 2009

Title Hero Nutritionals Inc. V. Vitastix Inc.

Present: The James V. Selna  
Honorable

Karla J. Tunis  
Deputy Clerk

Not Present  
Court Reporter

Attorneys Present for Plaintiffs:

Not Present

Attorneys Present for Defendants:

Not Present

**Proceedings:** (In Chambers)

**ORDER TO SHOW CAUSE RE DISMISSAL  
FOR LACK OF PROSECUTION**

The Court, on its own motion, hereby ORDERS plaintiff(s) to show cause in writing no later than January 25, 2010, why this action should not be dismissed for lack of prosecution. As an alternative to a written response by plaintiff(s), the Court will consider the filing of one of the following, as an appropriate response to this OSC, on or before the above date:

**X** **Proof of service of summons and complaint as to defendants**

Absent a showing of good cause, an action shall be dismissed if the summons and complaint have not been served upon all defendants within 120 days after the filing of the complaint. Fed. R. Civ. P. 4(m) The Court may dismiss the action prior to the expiration of such time, however, if plaintiff(s) has/have not diligently prosecuted the action.

It is the plaintiff's responsibility to respond promptly to all orders and to prosecute the action diligently, including filing proofs of service and stipulations extending time under Rule 55 remedies promptly upon default of any defendant. All stipulations affecting the progress of the case must be approved by the Court. Local Rule 7-1

Initials of Preparer

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